REMARKS

Status

Claims 155-1559 and 161-179 are pending and claims 155-159, 161-167, 169-171 and 179 are under examination. Claim 160 is listed as pending in the PTOL-326 mailed October 21, 2003, and discussed in the Office Action. However, this claim was cancelled without prejudice in Applicants' amendment filed March 13, 2003. For this reason, matters related to claim 160 are not addressed in the remarks below. If the Examiner believes a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below

Applicants thank the Examiner for rejoinder of Groups I and II.

Rejection Under Section 112, First Paragraph

Claims 155-159, 161-167, 169-171 and 179 stand rejected as allegedly not described in the specification as filed. The Examiner's paragraphs A, B and D are addressed below (paragraph C related to cancelled claim 160).

A) Claim 155 stands rejected because an isolated antigen-binding fragment . . . wherein said BDCA-2 protein is encoded by exons 1-6; exons 1 and 3-6; exons 1-2 and 4-6; or exons 1-3 and 5-6 of SEQ ID NO:1 allegedly is not supported by the specification. Applicants respectfully disagree. Paragraph [0307] very clearly describes the recited BDCA-2 isoforms. Also see Paragraph [0302] ("Figure 5 shows the amino acid sequence of BDCA-2 (the isoform with all six exons expressed"). Support for binding fragments is replete in the specification, including fragments that bind the products of splice variants (see, e.g., paragraph [0207] "The invention encompasses kits containing anti-DC-specific antigen-binding fragments, for measuring BDCA-2 including soluble BDCA-2, including isoforms thereof . . ." Applicants respectfully submit that the instant specification clearly conveys that, as of the filing date, Applicants were in possession of the invention (see, *Vas-Cath v. Mahurkar*, 935 F.2d 1555, 1563-64 (Fed. Cir. 1991).

B) The Office indicated support for the recitation of "the antibody is human" in claim 157 was not supported in the specification. Support is found in the application at, inter alia, the following paragraphs:

Paragraph [0148] explains that DC-specific antigen-binding fragments can be made by "immunizing mammals with the antigen and generating . . . mAbs."

Paragraph [0149] explains that human antibodies can be produced by immunizing transgenic mice lacking the native murine antibody repertoire and instead having most of the human antibody V-genes in the germ line configuration. Human antibodies are subsequently produced by the murine B cells. The antibody genes are recovered from the B cells by PCR library selection or classic hybridoma technology. The method described by Medez et al., 1997, *Nature Genetics* 18:410 and many other methods. For the convenience of the . . .

Paragraph [0150] indicates that phage display techniques can be used to rapidly generate human antibodies and antibody fragments can also be produced using phage display methods such as those described by Henderikx et al., 1998, *Cancer Res.* 58:4324-32. Also see Paragraph [0154] describing related methods for producing human antibodies. See, e.g. WO97/02342.

D) The Office indicated support for the recitation of "A kit comprising an antigen-binding fragment of claim 155 and a component selected from the group consisting of BDCA-2 protein, a buffer, and a label conjugated to, or that can be conjugated to, the antigen-binding fragment" in claim 179 was not supported in the specification. Claim 179 has been amended to read " "A kit comprising an antigen-binding fragment of claim 155 and a component selected from the group consisting of a buffer, and a label conjugated to, or that can be conjugated to, the antigen-binding fragment." Support is found in the application at, *inter alia*, the following paragraphs:

A kit	Paragraph [0207]: . . . **kits** containing . . .
an antigen-binding fragment of claim 155	Paragraph [0207]: . . . **anti-DC-specific antigen-binding fragments** . . .
a buffer	[0210] . . . optional components include, but are not limited to, **buffers**, capture reagents, developing reagents, labels . . .

a label conjugated to the antigen-binding fragment	**[0208] . . . the reagent [antigen-binding fragment] can be conjugated with a label . . .**
a label that can be conjugated to, the antigen-binding fragment	**[0208]** . . . In another option, **a second reagent is provided that is capable of combining with the first reagent [antigen-binding fragment] after it has found its target and thereby supplying the detectable label. For example, labeled anti-murine IgG can be provided as a secondary reagent.**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 212302001100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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